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2004-13 ALT, Asset-Backed Certificates, TMTS Series 2004-13ALT*

11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

13 U.S. BANK NATIONAL ASSOCIATION AS  
14 TRUSTEE FOR TERWIN MORTGAGE  
15 TRUST 2004-13 ALT, ASSET-BACKED  
16 CERTIFICATES, TMTS SERIES 2004-  
17 13ALT,

18 Plaintiff,

19 vs.

20 FIDELITY NATIONAL TITLE GROUP,  
21 INC.; CHICAGO TITLE INSURANCE  
22 COMPANY; TICOR TITLE OF NEVADA,  
23 INC.; DOE INDIVIDUALS I through X; and  
24 ROE CORPORATIONS XI through XX,  
25 inclusive,

26 Defendants.

Case No.: 2:20-cv-02239-GMN-VCF

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES**

**[First Request]**

27 Plaintiff, U.S. Bank National Association as Trustee for Terwin Mortgage Trust 2004-13  
28 ALT, Asset-Backed Certificates, TMTS Series 2004-13ALT (“U.S. Bank Trustee”) and  
Specially-Appearing Defendant Fidelity National Title Group, Inc. (“Fidelity”), and Defendants  
Chicago Title Insurance Company (“Chicago Title”), and Ticor Title of Nevada, Inc. (“Ticor”,  
collectively “Defendants”) (collectively, the “Parties”), by and through their counsel of record,  
hereby submit their Stipulation to Extend Discovery Deadlines by ninety (90) days in accordance  
with Local Rule 26-3 and Local Rule IA 6-1. The Parties are requesting an extension to the

1 discovery deadlines as the Parties are finalizing a stipulated protective order to be filed and  
2 entered by the Court prior to the Parties' disclosure of confidential documents. The Parties'  
3 experts need additional time to review the substantive document production prior to the initial  
4 expert disclosure deadline, which is currently set for July 9, 2021. Based on the volume of the  
5 documents and the need for a protective order, the Parties request an additional ninety (90) days  
6 in order to complete discovery and provide the experts with sufficient opportunity to review  
7 documents and responses to the pending written discovery requests.

8 The request for an extension is supported by good cause in compliance with LR 26-3, has  
9 been brought in good faith, is the first request for an extension of time to the discovery deadlines  
10 and is not intended to cause delay.

11 **(a) A statement specifying the discovery completed:**

12 The Parties conducted the Fed. R. Civ. P. 26(f) conference on January 6, 2021. Thereafter,  
13 the Parties promptly submitted their proposed Joint Discovery Plan on January 20, 2021 [ECF  
14 No. 14]. On January 21, 2021, the Court entered the Scheduling Order [ECF No. 15], setting the  
15 following deadlines:

- 16 • Initial experts: July 9, 2021;
- 17 • Rebuttal experts: August 9, 2021;
- 18 • Discovery cutoff: September 7, 2021;
- 19 • Dispositive motions: October 7, 2021; and
- 20 • Joint proposed pretrial order: November 5, 2021, or 30 days after resolution of  
21 dispositive motions.

22 The Parties have completed the following discovery to date:

- 23 • Defendants' Initial Disclosure of Witnesses and Documents, March 31, 2021;
- 24 • U.S. Bank Trustee's Initial Disclosure of Witnesses and Documents, March 31,  
25 2021;

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1           **(b) A specific description of the discovery that remains to be completed:**

2           The Parties need to conduct the following discovery:

- 3           • Final agreement of the terms of a Stipulated Protective Order and the Court's entry
- 4           of the same;
- 5           • The Parties' Initial Expert Disclosure(s);
- 6           • The Parties' Rebuttal Expert Disclosure(s);
- 7           • Deposition of Fed. R. Civ. P. 30(b)(6) Witness for Chicago Title;
- 8           • Deposition of Fed. R. Civ. P. 30(b)(6) Witness for Fidelity;
- 9           • Deposition of Fed. R. Civ. P. 30(b)(6) Witness for Ticor;
- 10          • Deposition of Fed. R. Civ. P. 30(b)(6) Witness for U.S. Bank Trustee;
- 11          • Deposition of various fact and expert witnesses; and
- 12          • Such other discovery that may be deemed necessary or appropriate.

13           **(c) The reasons why the deadline was not satisfied or the remaining discovery was**

14           **not completed within the time limits set by the discovery plan:**

15           Due to the need for a protective order and the volume of discovery propounded, the Parties

16           need additional time to respond to the pending requests prior to the initial expert disclosure

17           deadline of July 9, 2021. Over the past several months, the Parties have been negotiating the terms

18           of an appropriate protective order that would meet all of the Parties' needs and they anticipate

19           that a stipulated protective order will be entered shortly. Thereafter, the Parties plan on producing

20           documents and propounding written discovery requests. The Parties anticipate that the

21           confidential document production will be voluminous and will need to be reviewed by their

22           retained experts in preparation of authoring reports. Accordingly, the Parties request a ninety (90)

23           day extension to the discovery deadlines so that discovery responses can be provided and the

24           Parties' experts have sufficient time to review the written discovery responses, documentation,

25           and issue opinions prior to the initial expert disclosure deadline.

26           In accordance with Local Rule 26-3, good cause exists for an extension to the discovery

27           deadlines as the Parties' experts are unable to prepare an expert report prior to the July 9, 2021

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1 deadline given that written responses from the Parties have not yet been completed, nor has a  
2 protective order been entered.

3 **(d) A proposed schedule for completing all remaining discovery.**

4 The Parties request that current Scheduling Order [ECF No. 15] be extended as follows:

- 5 1. Last Day to Disclose Initial Expert Report: currently July 9, 2021, **desired October**  
6 **7, 2021;**
- 7 2. Last Day to Disclose Rebuttal Experts: currently August 9, 2021, **desired November**  
8 **8, 2021;**
- 9 3. Last Day to Complete Discovery: currently September 7, 2021; **desired December 6,**  
10 **2021;**
- 11 4. Last Day to File Dispositive Motions: currently October 7, 2021, **desired January 5,**  
12 **2022;**

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1 5. Last Day to File Joint Pre-Trial Order: currently, November 5, 2021, **desired**  
2 **February 3, 2022.** In the event dispositive motions are filed, the date for filing the  
3 joint pretrial order shall be suspended until thirty (30) days after a decision of the  
4 dispositive motions. The disclosures required by Fed. R. Civ. P. 26(a)(3), and any  
5 objections thereto, shall be included in the pretrial order.

6 **IT IS SO STIPULATED.**

7 DATED this 18<sup>th</sup> day of June, 2021.

DATED this 18<sup>th</sup> day of June, 2021.

8 WRIGHT, FINLAY & ZAK, LLP

SINCLAIR BRAUN LLP

9 /s/ Christina V. Miller

/s/ Kevin S. Sinclair

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15 *Association as Trustee for Terwin Mortgage*

*Title Group, Inc., Fidelity National Title*

16 *Trust 2004-13 ALT, Asset-Backed*

*Insurance Company, and Ticor Title of*

17 *Certificates, TMTS Series 2004-13ALT*

*Nevada, Inc.*

18 **IT IS SO ORDERED.**

19 Dated this 23rd day of June, 2021.

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21 Cam Ferenbach

22 United States Magistrate Judge